

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JK MOVING & STORAGE, INC.,)	
Plaintiff,)	
)	
v.)	Case No. 1:17cv849
)	
J & K MOVING, LLC,)	
Defendant.)	
)	

ORDER

Plaintiff JK Moving & Storage brought this action after defendant allegedly infringed on plaintiff's trademark. Plaintiff claims defendant violated 15 U.S.C. § 1114(1)(a) (infringement of registered trademarks), 15 U.S.C. § 1125(a) (infringement of unregistered trademarks and unfair competition), Va. Code § 59.1-200(A) (Virginia Consumer Protection Act) and the common law's prohibition on "passing off" by displaying and utilizing plaintiff's registered and unregistered marks for commercial purposes.¹ Plaintiff seeks a permanent injunction and a money award for attorneys' fees and costs.

On September 13, 2017, the Clerk of Court entered default against defendant after it failed to file a responsive pleading or otherwise appear in this action. (Doc. 9.) Thereafter, plaintiff filed a motion for default judgment which was referred to Magistrate

¹ Plaintiff voluntarily dismissed its Virginia Consumer Protection Act claim. (Doc. 10.)

Judge Anderson pursuant to 28 U.S.C. § 936 to issue a Report and Recommendation ("Report"). On October 4, 2017, Judge Anderson issued his thorough and well-reasoned Report, recommending that a permanent injunction be entered against the defendant and that a money judgment, representing attorneys' fees and costs, be entered in favor of plaintiff in the amount of \$12,775.00.

No party filed objections within fourteen (14) days as set forth in the Report.² Because Judge Anderson's recommendation is well-reasoned and his factual findings and legal conclusions are well-founded, he did not clearly err and therefore his Report and Recommendation (Doc. 15) is **ADOPTED** as the opinion of this Court.

Accordingly,


It is hereby by **ORDERED** that defendant J & K Moving, its officers, agents, servants, employees and any other persons acting on its behalf are permanently enjoined from advertising, offering or selling any goods or services using the mark or name "J&K Moving," or any colorable variation thereof in a manner that is confusingly similar to plaintiff JK Moving's "JK," "JK Moving and Storage" and "JK Moving Services" marks or any other variations thereof as used by plaintiff in connection with moving and storage services.

It is further **ORDERED** that judgment is entered on behalf of plaintiff and against defendant in the amount of \$12,775.00.

² "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

The Clerk of the Court is directed to enter final judgment in accordance with this Order, and to place this matter among the ended causes.

Alexandria, Virginia
October 23, 2017



T. S. Ellis, III
United States District Judge